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109TH CONGRESS
1ST SESSION

H. R. 3665

[Report No. 109–263]

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2005

Mr. BOOZMAN (for himself, Ms. HERSETH, Mr. FILNER, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

NOVEMBER 1, 2005

Additional sponsors: Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. CASE, Mr. GRIJALVA, Mr. MICHAUD, Mr. DAVIS of Kentucky, Mr. SCHIFF, and Ms. BERKLEY

NOVEMBER 1, 2005

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 7, 2005]

A BILL

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in

housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
 5 *erans Housing and Employment Improvement Act of*
 6 *2005”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—HOUSING ASSISTANCE

Sec. 101. Adaptive housing assistance for disabled veterans residing temporarily in housing owned by family member.

Sec. 102. Permanent authority to make direct housing loans to Native American veterans.

Sec. 103. Extension of eligibility for direct loans for Native American veterans to a veteran who is the spouse of a Native American.

Sec. 104. Terminology amendments to revise references to certain veterans in provisions relating to eligibility for compensation or dependency and indemnity compensation.

TITLE II—EMPLOYMENT ASSISTANCE PROGRAMS

Sec. 201. Extension of operation of the President’s National Hire Veterans Committee.

Sec. 202. Additional duty for the Assistant Secretary of Labor for Veterans’ Employment and Training to raise awareness of skills of veterans and of the benefits of hiring veterans.

Sec. 203. Modifications to the Advisory Committee on Veterans Employment and Training.

TITLE III—HOMELESS VETERANS REINTEGRATION PROGRAM

Sec. 301. Reauthorization of appropriations for Homeless Veterans Reintegration Program.

TITLE IV—TECHNICAL, CLARIFYING, AND CLERICAL AMENDMENTS

Sec. 401. Technical and clarifying amendments to new traumatic injury protection coverage under Servicemembers’ Group Life Insurance.

Sec. 402. Technical and clerical amendments.

1 ***TITLE I—HOUSING ASSISTANCE***

2 ***SEC. 101. ADAPTIVE HOUSING ASSISTANCE FOR DISABLED***
 3 ***VETERANS RESIDING TEMPORARILY IN HOUS-***
 4 ***ING OWNED BY FAMILY MEMBER.***

5 *(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title*
 6 *38, United States Code, is amended by inserting after sec-*
 7 *tion 2102 the following new section:*

8 ***“§2102A. Assistance for veterans residing temporarily***
 9 ***in housing owned by family member***

10 *“(a) In the case of a disabled veteran who is described*
 11 *in subsection (a)(2) or (b)(2) of section 2101 of this title*
 12 *and who is residing, but does not intend to permanently*
 13 *reside, in a residence owned by a member of such veteran’s*
 14 *family, the Secretary may assist the veteran in acquiring*
 15 *such adaptations to such residence as are determined by*
 16 *the Secretary to be reasonably necessary because of the vet-*
 17 *eran’s disability.*

18 *“(b) The assistance authorized under subsection (a)*
 19 *may not exceed—*

20 *“(1) \$10,000, in the case of a veteran described*
 21 *in section 2101(a)(2) of this title; or*

22 *“(2) \$2,000, in the case of a veteran described in*
 23 *section 2101(b)(2) of this title.*

24 *“(c) The assistance authorized by subsection (a) shall*
 25 *be limited in the case of any veteran to one residence.*

1 “(d) Assistance under this section shall be provided in
 2 accordance with such regulations as the Secretary may pre-
 3 scribe.

4 “(e) No assistance may be provided under this section
 5 after the end of the five-year period that begins on the date
 6 of the enactment of the Veterans Housing and Employment
 7 Improvement Act of 2005.”.

8 (b) LIMITATIONS ON ADAPTIVE HOUSING ASSIST-
 9 ANCE.—Section 2102 of such title is amended—

10 (1) in the matter in subsection (a) preceding
 11 paragraph (1)—

12 (A) by striking “shall be limited in the case
 13 of any veteran to one housing unit, and nec-
 14 essary land therefor, and”; and

15 (B) by striking “veteran but shall not ex-
 16 ceed \$50,000 in any one case—” and inserting
 17 “veteran—”; and

18 (2) by adding at the end the following new sub-
 19 section:

20 “(d)(1) The aggregate amount of assistance available
 21 to a veteran under sections 2101(a) and 2102A of this title
 22 shall be limited to \$50,000.

23 “(2) The aggregate amount of assistance available to
 24 a veteran under sections 2101(b) and 2102A of this title
 25 shall be limited to \$10,000.

1 “(3) No veteran may receive more than three grants
2 of assistance under this chapter.”.

3 (c) *COORDINATION OF ADMINISTRATION OF BENE-*
4 *FITS.*—Chapter 21 of such title is further amended by add-
5 ing at the end the following new section:

6 **“§2107. Coordination of administration of benefits**

7 “The Secretary shall provide for the coordination of
8 the administration of programs to provide specially adapt-
9 ed housing that are administered by the Under Secretary
10 for Health and such programs that are administered by the
11 Under Secretary for Benefits under this chapter, chapter
12 17, and chapter 31 of this title.”.

13 (d) *CLERICAL AMENDMENT.*—The table of sections at
14 the beginning of such chapter of such title is amended—

15 (1) by inserting after the item relating to section
16 2102 the following new item:

“2102A. Assistance for veterans residing temporarily in housing owned by family member.”; and

17 (2) by adding at the end the following new item:

“2107. Coordination of administration of benefits.”.

18 (e) *GAO REPORTS.*—(1) Not later than three years
19 after the date of the enactment of this Act, the Comptroller
20 General shall submit to Congress an interim report on the
21 implementation by the Secretary of Veterans Affairs of sec-
22 tion 2102A of title 38, United States Code, as added by
23 subsection (a).

1 (2) *Not later than five years after the date of the enact-*
 2 *ment of this Act, the Comptroller General shall submit to*
 3 *Congress a final report on the implementation of such sec-*
 4 *tion.*

5 **SEC. 102. PERMANENT AUTHORITY TO MAKE DIRECT HOUS-**
 6 **ING LOANS TO NATIVE AMERICAN VETERANS.**

7 (a) *PERMANENT AUTHORITY.*—Section 3761 of title
 8 38, United States Code, is amended—

9 (1) *in subsection (a)—*

10 (A) *by striking “establish and implement a*
 11 *pilot program under which the Secretary may”*
 12 *in the first sentence; and*

13 (B) *by striking “shall establish and imple-*
 14 *ment the pilot program” in the third sentence*
 15 *and inserting “shall make such loans”;*

16 (2) *in subsection (b), by striking “In carrying*
 17 *out the pilot program under this subchapter, the” and*
 18 *inserting “The”; and*

19 (3) *by striking subsection (c).*

20 (b) *REPORTS.*—Section 3762(j) of such title is amend-
 21 *ed to read as follows:*

22 “(j) *The Secretary shall include as part of the annual*
 23 *report required by section 529 of this title and as part of*
 24 *any annual benefits report of the Veterans Benefits Admin-*

1 *istration information concerning the cost and number of*
 2 *loans provided under this subchapter for each fiscal year.”.*

3 *(c) CONFORMING AMENDMENTS.—*

4 *(1) Section 3762 of such title is amended—*

5 *(A) in subsection (a), by inserting “under*
 6 *this subchapter” after “to a Native American*
 7 *veteran”;*

8 *(B) in subsection (b)(1)(E), by striking “the*
 9 *pilot program established under this subchapter*
 10 *is implemented” and inserting “loans under this*
 11 *subchapter are made”;*

12 *(C) in subsection (c)(1)(B), by striking*
 13 *“carry out the pilot program under this sub-*
 14 *chapter in a manner that demonstrates the ad-*
 15 *visability of making direct housing loans” in the*
 16 *second sentence and inserting “make direct hous-*
 17 *ing loans under this subchapter”;*

18 *(D) in subsection (i)—*

19 *(i) by striking “the pilot program pro-*
 20 *vided for under this subchapter and” in*
 21 *paragraph (1);*

22 *(ii) by striking “under the pilot pro-*
 23 *gram and in assisting such organizations*
 24 *and veterans in participating in the pilot*
 25 *program” in paragraph (2)(A) and insert-*

1 ing “under this subchapter and in assisting
2 such organizations and veterans with re-
3 spect to such housing benefits”; and

4 (iii) by striking “in participating in
5 the pilot program” in paragraph (2)(E)
6 and inserting “with respect to such bene-
7 fits”.

8 (2) *Section 8(b) of the Veterans Home Loan Pro-*
9 *gram Amendments of 1992 (Public Law 102–547; 38*
10 *U.S.C. 3761 note) is repealed.*

11 (d) *ESTABLISHMENT OF MAXIMUM AMOUNT OF*
12 *LOANS.—Section 3762(c)(1)(B) of title 38, United States*
13 *Code, is amended—*

14 (1) by striking “(B) The” and inserting “(B)(i)
15 Subject to clause (ii), the”; and

16 (2) by adding at the end the following new
17 clause:

18 “(ii) The amount of a loan made by the Secretary
19 under this subchapter may not exceed the maximum loan
20 amount authorized for loans guaranteed under section
21 3703(a)(1)(C) of this title.”.

22 (e) *TECHNICAL AMENDMENT.—Subsection (c)(1)(A) of*
23 *section 3762 of such title is amended by inserting “veteran”*
24 *after “Native American”.*

25 (f) *CLERICAL AMENDMENTS.—*

1 (1) *SUBCHAPTER HEADING.—The heading for*
 2 *subchapter V of chapter 37 of such title is amended*
 3 *to read as follows:*

4 “*SUBCHAPTER V—DIRECT HOUSING LOANS FOR*
 5 *NATIVE AMERICAN VETERANS*”.

6 (2) *SECTION HEADING.—The heading for section*
 7 *3761 of such title is amended to read as follows:*

8 “**§ 3761. Direct housing loans to Native American vet-**
 9 **erans; program authority**”.

10 (3) *SECTION HEADING.—The heading for section*
 11 *3762 of such title is amended to read as follows:*

12 “**§ 3762. Direct housing loans to Native American vet-**
 13 **erans; program administration**”.

14 (4) *TABLE OF SECTIONS.—The table of sections*
 15 *at the beginning of chapter 37 of such title is amend-*
 16 *ed by striking the items relating to subchapter V and*
 17 *sections 3761 and 3762 and inserting the following*
 18 *new items:*

 “*SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS*

 “*3761. Direct housing loans to Native American veterans; program authority.*

 “*3762. Direct housing loans to Native American veterans; program administra-*
 tion.”.

1 **SEC. 103. EXTENSION OF ELIGIBILITY FOR DIRECT LOANS**
2 **FOR NATIVE AMERICAN VETERANS TO A VET-**
3 **ERAN WHO IS THE SPOUSE OF A NATIVE**
4 **AMERICAN.**

5 (a) *EXTENSION.*—Subchapter V of chapter 37 of title
6 38, United States Code, is amended—

7 (1) by redesignating section 3764 as section
8 3765; and

9 (2) by inserting after section 3763 the following
10 new section:

11 **“§3764. Qualified non-Native American veterans**

12 “(a) Subject to the succeeding provisions of this sec-
13 tion, for purposes of this subchapter—

14 “(1) a qualified non-Native American veteran is
15 deemed to be a Native American veteran; and

16 “(2) for purposes of applicability to a non-Na-
17 tive American veteran, any reference in this sub-
18 chapter to the jurisdiction of a tribal organization
19 over a Native American veteran is deemed to be a ref-
20 erence to jurisdiction of a tribal organization over the
21 Native American spouse of the qualified non-Native
22 American veteran.

23 “(b) In making direct loans under this subchapter to
24 a qualified non-Native American veteran by reason of eligi-
25 bility under subsection (a), the Secretary shall ensure that
26 the tribal organization permits, and the qualified non-Na-

1 *tive American veteran actually holds, possesses, or pur-*
 2 *chases, using the proceeds of the loan, jointly with the Na-*
 3 *tive American spouse of the qualified non-Native American*
 4 *veteran, a meaningful interest in the lot, dwelling, or both,*
 5 *that is located on trust land.*

6 “(c) Nothing in subsection (b) shall be construed as
 7 precluding a tribal organization from imposing reasonable
 8 restrictions on the right of the qualified non-Native Amer-
 9 ican veteran to convey, assign, or otherwise dispose of such
 10 interest in the lot or dwelling, or both, if such restrictions
 11 are designed to ensure the continuation in trust status of
 12 the lot or dwelling, or both. Such requirements may include
 13 the termination of the interest of the qualified non-Native
 14 American veteran in the lot or dwelling, or both, upon the
 15 dissolution of the marriage of the qualified non-Native
 16 American veteran to the Native American spouse.”.

17 (b) CONFORMING AMENDMENTS.—Section 3765 of such
 18 title, as redesignated by subsection (a), is amended by add-
 19 ing at the end the following new paragraph:

20 “(5) The term ‘qualified non-Native American
 21 veteran’ means a veteran who—

22 “(A) is the spouse of a Native American,
 23 but

24 “(B) is not a Native American.”.

1 (c) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 37 of such title is amended by*
 3 *striking the item relating to section 3764 and inserting the*
 4 *following new items:*

“3764. *Qualified non-Native American veterans.*
 “3765. *Definitions.*”.

5 **SEC. 104. TERMINOLOGY AMENDMENTS TO REVISE REF-**
 6 **ERENCES TO CERTAIN VETERANS IN PROVI-**
 7 **SIONS RELATING TO ELIGIBILITY FOR COM-**
 8 **PENSATION OR DEPENDENCY AND INDEM-**
 9 **NITY COMPENSATION.**

10 *Title 38, United States Code, is amended as follows:*

11 (1) *Section 1114(l) is amended by striking “so*
 12 *helpless” and inserting “with such significant disabili-*
 13 *ties”.*

14 (2) *Section 1114(m) is amended by striking “so*
 15 *helpless” and inserting “so significantly disabled”.*

16 (3) *Sections 1115(1)(E)(ii), 1122(b)(2),*
 17 *1311(c)(2), 1315(g)(2), and 1502(b)(2) are amended*
 18 *by striking “helpless or blind, or so nearly helpless or*
 19 *blind as to” and inserting “blind, or so nearly blind*
 20 *or significantly disabled as to”.*

***TITLE II—EMPLOYMENT
ASSISTANCE PROGRAMS***

***SEC. 201. EXTENSION OF OPERATION OF THE PRESIDENT'S
NATIONAL HIRE VETERANS COMMITTEE.***

(a) ONE-YEAR EXTENSION.—Subsection (f) of section 6 of the Jobs for Veterans Act (Public Law 107–288; 116 Stat. 2048) is amended—

(1) by striking “60 days” and inserting “not later than 60 days”; and

(2) by striking “on December 31, 2005” and inserting “not later than December 31, 2006”.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—Subsection (g) of such section is amended by striking “2005” and inserting “2006”.

(c) ADDITIONAL REPORT.—Subsection (e) of such section is amended by striking “and 2005,” and inserting “2005, and 2006,”.

SEC. 202. ADDITIONAL DUTY FOR THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING TO RAISE AWARENESS OF SKILLS OF VETERANS AND OF THE BENEFITS OF HIRING VETERANS.

(a) IN GENERAL.—Subsection (b) of section 4102A of title 38, United States Code, is amended by adding at the end the following new paragraph:

1 “(8) *With advice and assistance from the Advi-*
2 *sory Committee on Veterans Employment, Training,*
3 *and Employer Outreach established under section*
4 *4110 of this title, furnish information to employers*
5 *(through meetings in person with hiring executives of*
6 *corporations and otherwise) with respect to the train-*
7 *ing and skills of veterans and disabled veterans, and*
8 *the advantages afforded employers by hiring veterans*
9 *with such training and skills, and to facilitate em-*
10 *ployment of veterans and disabled veterans through*
11 *participation in labor exchanges (Internet-based and*
12 *otherwise), and other means.”.*

13 **(b) TRANSITION PLAN.**—(1) *The Secretary of Labor,*
14 *acting through the Assistant Secretary of Labor for Vet-*
15 *erans’ Employment and Training, shall develop a plan for*
16 *the transition of the assumption of certain duties and func-*
17 *tions of the President’s National Hire Veterans Committee*
18 *by the Assistant Secretary in carrying out section*
19 *4102A(b)(8) of title 38, United States Code, as added by*
20 *subsection (a). Such plan shall include the identification*
21 *of the activities and operations of the Committee that the*
22 *Assistant Secretary determines should be continued or ex-*
23 *panded.*

24 (2) *Not later than July 1, 2006, the Secretary shall*
25 *transmit to the Committees on Veterans’ Affairs of the Sen-*

1 *ate and House of Representatives the transition plan devel-*
 2 *oped under paragraph (1).*

3 **SEC. 203. MODIFICATIONS TO THE ADVISORY COMMITTEE**

4 **ON VETERANS EMPLOYMENT AND TRAINING.**

5 *(a) COMMITTEE NAME.—(1) Subsection (a)(1) of sec-*
 6 *tion 4110 of title 38, United States Code, is amended by*
 7 *striking “Advisory Committee on Veterans Employment*
 8 *and Training” and inserting “Advisory Committee on Vet-*
 9 *erans Employment, Training, and Employer Outreach”.*

10 *(2) The heading of such section is amended to read*
 11 *as follows:*

12 **“§4110. Advisory Committee on Veterans Employment,**
 13 **Training, and Employer Outreach”.**

14 *(3) The item relating to section 4110 in the table of*
 15 *sections at the beginning of chapter 41 of such title is*
 16 *amended to read as follows:*

“4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach.”.

17 *(4) Any reference to the Advisory Committee estab-*
 18 *lished under section 4110 of such title in any law, regula-*
 19 *tion, map, document, record, or other paper of the United*
 20 *States shall be considered to be a reference to the Advisory*
 21 *Committee on Veterans Employment, Training, and Em-*
 22 *ployer Outreach.*

23 *(b) EXPANSION OF DUTIES OF THE COMMITTEE.—*
 24 *Subsection (a)(2) of such section is amended—*

1 (1) in subparagraph (A), by inserting “and their
2 integration into the workforce” after “veterans”;

3 (2) by striking “and” at the end of subpara-
4 graph (B);

5 (3) by redesignating subparagraph (C) as sub-
6 paragraph (E); and

7 (4) by inserting after subparagraph (B) the fol-
8 lowing new subparagraphs:

9 “(C) assist the Assistant Secretary of Labor for
10 Veterans Employment and Training in carrying out
11 outreach activities to employers with respect to the
12 training and skills of veterans and the advantages af-
13 forded employers by hiring veterans;

14 “(D) make recommendations to the Secretary,
15 through the Assistant Secretary of Labor for Veterans
16 Employment and Training, with respect to outreach
17 activities and the employment and training of vet-
18 erans; and”.

19 (c) *MODIFICATION OF COMMITTEE MEMBERSHIP.*—(1)
20 Subsection (c)(1) of such section is amended to read as fol-
21 lows:

22 “(c)(1) The Secretary of Labor shall appoint at least
23 12, but no more than 15, individuals to serve as members
24 of the advisory committee as follows:

1 “(A) *Six individuals, one each from among rep-*
2 *resentatives nominated by each of the following orga-*
3 *nizations:*

4 “(i) *The National Society of Human Re-*
5 *source Managers.*

6 “(ii) *The Business Roundtable.*

7 “(iii) *The National Association of State*
8 *Workforce Agencies.*

9 “(iv) *The U.S. Chamber of Commerce.*

10 “(v) *The National Federation of Inde-*
11 *pendent Business.*

12 “(vi) *A nationally recognized labor union*
13 *or organization.*

14 “(B) *Not more than five individuals from among*
15 *representatives nominated by veterans service organi-*
16 *zations that have a national employment program.*

17 “(C) *Not more than five individuals who are rec-*
18 *ognized authorities in the fields of business, employ-*
19 *ment, training, rehabilitation, or labor and who are*
20 *not employees of the Department of Labor.”.*

21 (2) *Subsection (d) of such section is amended—*

22 (A) *by striking paragraphs (3), (4), (8), (10),*
23 *(11), and (12); and*

1 (B) by redesignating paragraphs (5), (6), (7),
 2 and (9) as paragraphs (3), (4), (5), and (6), respec-
 3 tively.

4 (d) *REINSTATEMENT AND MODIFICATION OF REPORT-*
 5 *ING REQUIREMENT.*—Subsection (f)(1) of such section is
 6 amended—

7 (1) by striking the first sentence and inserting
 8 the following: “Notwithstanding section 3003 of Pub-
 9 lic Law 104–66, not later than December 31 of each
 10 year, the advisory committee shall submit to the Sec-
 11 retary and to the Committees on Veterans’ Affairs of
 12 the Senate and House of Representatives a report on
 13 the employment and training needs of veterans, with
 14 special emphasis on disabled veterans, for the pre-
 15 vious fiscal year.”;

16 (2) in subparagraph (A), by inserting “and their
 17 integration into the workforce” after “veterans”;

18 (3) by striking “and” at the end of subpara-
 19 graph (B);

20 (4) by redesignating subparagraphs (B) and (C)
 21 as subparagraphs (C) and (F), respectively;

22 (5) by inserting after subparagraph (A) the fol-
 23 lowing new subparagraph:

24 “(B) an assessment of the outreach activities car-
 25 ried out by the Secretary of Labor to employers with

1 *respect to the training and skills of veterans and the*
 2 *advantages afforded employers by hiring veterans; ”;*
 3 *and*

4 *(6) by inserting after subparagraph (C), as so*
 5 *redesignated, the following new subparagraphs:*

6 *“(D) a description of the activities of the advi-*
 7 *sory committee during that fiscal year;*

8 *“(E) a description of activities that the advisory*
 9 *committee proposes to undertake in the succeeding fis-*
 10 *cal year; and”.*

11 ***TITLE III—HOMELESS VETERANS*** 12 ***REINTEGRATION PROGRAM***

13 ***SEC. 301. REAUTHORIZATION OF APPROPRIATIONS FOR*** 14 ***HOMELESS VETERANS REINTEGRATION PRO-*** 15 ***GRAM.***

16 *Subsection (e)(1) of section 2021 of title 38, United*
 17 *States Code, is amended by adding at the end the following*
 18 *new subparagraph:*

19 *“(F) \$50,000,000 for each of fiscal years 2007*
 20 *through 2009.”.*

1 **TITLE IV—TECHNICAL, CLARI-**
 2 **FYING, AND CLERICAL**
 3 **AMENDMENTS**

4 **SEC. 401. TECHNICAL AND CLARIFYING AMENDMENTS TO**
 5 **NEW TRAUMATIC INJURY PROTECTION COV-**
 6 **ERAGE UNDER SERVICEMEMBERS' GROUP**
 7 **LIFE INSURANCE.**

8 (a) SECTION 1980A.—Section 1980A of title 38,
 9 United States Code, as enacted by section 1032(a)(2) of
 10 Public Law 109–13 (119 Stat. 257), is amended as follows:

11 (1) Subsection (a) is amended to read as follows:

12 “(a)(1) A member of the uniformed services who is in-
 13 sured under Servicemembers’ Group Life Insurance shall
 14 automatically be insured for traumatic injury in accord-
 15 ance with this section. Insurance benefits under this section
 16 shall be payable if the member, while so insured, sustains
 17 a traumatic injury that results in a qualifying loss speci-
 18 fied pursuant to subsection (b)(1).

19 “(2) If a member suffers more than one such qualifying
 20 loss as a result of traumatic injury from the same trau-
 21 matic event, payment shall be made under this section in
 22 accordance with the schedule prescribed pursuant to sub-
 23 section (d) for the single loss providing the highest pay-
 24 ment.”.

25 (2) Subsection (b) is amended—

1 (A) in paragraph (1)—

2 (i) by striking “issued a” and all that
3 follows through “limited to—” and insert-
4 ing “insured against traumatic injury
5 under this section is insured against such
6 losses due to traumatic injury (in this sec-
7 tion referred to as ‘qualifying losses’) as are
8 prescribed by the Secretary by regulation.
9 Qualifying losses so prescribed shall include
10 the following:”;

11 (ii) by capitalizing the first letter of
12 the first word of each of subparagraphs (A)
13 through (H);

14 (iii) by striking the semicolon at the
15 end of each of subparagraphs (A) through
16 (F) and inserting a period; and

17 (iv) by striking “; and” at the end of
18 subparagraph (G) and inserting a period;

19 (B) in paragraph (2)—

20 (i) by striking “subsection—” and in-
21 serting “subsection:”;

22 (ii) by striking “the” at the beginning
23 of subparagraphs (A), (B), and (C) and in-
24 serting “The”;

1 (iii) in subparagraph (A), by striking
2 “4 limbs;” and inserting “four limbs.”;

3 (iv) in subparagraph (B), by striking
4 “; and” at the end and inserting a period;

5 (v) in subparagraph (C), by striking
6 “1 side” and inserting “one side”; and

7 (vi) by adding at the end the following
8 new subparagraph:

9 “(D) The term ‘inability to carry out the activi-
10 ties of daily living’ means the inability to independ-
11 ently perform two or more of the following six func-
12 tions:

13 “(i) Bathing.

14 “(ii) Continence.

15 “(iii) Dressing.

16 “(iv) Eating.

17 “(v) Toileting.

18 “(vi) Transferring.”;

19 (C) in paragraph (3)—

20 (i) by striking “, in collaboration with
21 the Secretary of Defense,”;

22 (ii) by striking “shall prescribe” and
23 inserting “may prescribe”; and

24 (iii) by striking “the conditions under
25 which coverage against loss will not be pro-

1 *vided”; and inserting “conditions under*
 2 *which coverage otherwise provided under*
 3 *this section is excluded”; and*
 4 *(D) by adding at the end the following new*
 5 *paragraph:*

6 *“(4) A member shall not be considered for the purposes*
 7 *of this section to be a member insured under*
 8 *Servicemembers’ Group Life Insurance if the member is in-*
 9 *sured under Servicemembers’ Group Life Insurance only as*
 10 *an insurable dependent of another member pursuant to sub-*
 11 *paragraph (A)(ii) or (C)(ii) of section 1967(a)(1) of this*
 12 *title.”.*

13 *(3) Subsection (c) is amended to read as follows:*

14 *“(c)(1) A payment may be made to a member under*
 15 *this section only for a qualifying loss that results directly*
 16 *from a traumatic injury sustained while the member is cov-*
 17 *ered against loss under this section and from no other cause.*

18 *“(2)(A) A payment may be made to a member under*
 19 *this section for a qualifying loss resulting from a traumatic*
 20 *injury only for a loss that is incurred during the applicable*
 21 *period of time specified pursuant to subparagraph (B).*

22 *“(B) For each qualifying loss, the Secretary shall pre-*
 23 *scribe, by regulation, a period of time to be the period of*
 24 *time within which a loss of that type must be incurred,*
 25 *determined from the date on which the member sustains the*

1 *traumatic injury resulting in that loss, in order for that*
 2 *loss to be covered under this section. For quadriplegia, par-*
 3 *aplegia, and hemiplegia, the period of time so prescribed*
 4 *shall be 365 days.”.*

5 (4) *Subsection (d) is amended by striking “losses*
 6 *described in subsection (b)(1) shall be—” and all that*
 7 *follows and inserting “qualifying losses shall be made*
 8 *in accordance with a schedule prescribed by the Sec-*
 9 *retary, by regulation, specifying the amount of pay-*
 10 *ment to be made for each type of qualifying loss, to*
 11 *be based on the severity of the qualifying loss. The*
 12 *minimum payment that may be prescribed for a*
 13 *qualifying loss is \$25,000, and the maximum pay-*
 14 *ment that may be prescribed for a qualifying loss is*
 15 *\$100,000.”.*

16 (5) *Subsection (e) is amended—*

17 (A) *by striking “of Veterans Affairs” each*
 18 *place it appears;*

19 (B) *in paragraph (1), by striking “as the*
 20 *premium allocable” and all that follows through*
 21 *“protection under this section”;*

22 (C) *in paragraph (2), by striking “Sec-*
 23 *retary of the concerned service” and inserting*
 24 *“Secretary concerned”; and*

1 (D) by striking paragraphs (6), (7), and (8)
2 and inserting the following:

3 “(6) The cost attributable to insuring members under
4 this section for any month or other period specified by the
5 Secretary, less the premiums paid by the members, shall
6 be paid by the Secretary concerned to the Secretary. The
7 Secretary shall allocate the amount payable among the uni-
8 formed services using such methods and data as the Sec-
9 retary determines to be reasonable and practicable. Pay-
10 ments under this paragraph shall be made on a monthly
11 basis or at such other intervals as may be specified by the
12 Secretary and shall be made within 10 days of the date
13 on which the Secretary provides notice to the Secretary con-
14 cerned of the amount required.

15 “(7) For each period for which a payment by a Sec-
16 retary concerned is required under paragraph (6), the Sec-
17 retary concerned shall contribute such amount from appro-
18 priations available for active duty pay of the uniformed
19 service concerned.

20 “(8) The sums withheld from the basic or other pay
21 of members, or collected from them by the Secretary con-
22 cerned, under this subsection, and the sums contributed
23 from appropriations under this subsection, together with the
24 income derived from any dividends or premium rate adjust-
25 ments received from insurers shall be deposited to the credit

1 *of the revolving fund established in the Treasury of the*
 2 *United States under section 1869(d)(1) of this title.”.*

3 *(6) Subsection (f) is amended to read as follows:*

4 *“(f) When a claim for benefits is submitted under this*
 5 *section, the Secretary of Defense or, in the case of a member*
 6 *not under the jurisdiction of the Secretary of Defense, the*
 7 *Secretary concerned shall certify to the Secretary whether*
 8 *the member with respect to whom the claim is submitted—*

9 *“(1) was at the time of the injury giving rise to*
 10 *the claim insured under Servicemembers’ Group Life*
 11 *Insurance for the purposes of this section; and*

12 *“(2) has sustained a qualifying loss.”.*

13 *(7) Subsection (g) of such section is amended—*

14 *(A) by inserting “(1)” after “(g)”;*

15 *(B) by striking “will not be made” and in-*
 16 *serting “may not be made under the insurance*
 17 *coverage under this section”;*

18 *(C) by striking “the period” and all that*
 19 *follows through “the date” and inserting “a pe-*
 20 *riod prescribed by the Secretary, by regulation,*
 21 *for such purpose that begins on the date”;*

22 *(D) by designating the second sentence as*
 23 *paragraph (2);*

1 (E) by striking “If the member” and insert-
2 ing “If a member eligible for a payment under
3 this section” ;

4 (F) by striking “will be” and inserting
5 “shall be”; and

6 (G) by striking “according to” and all that
7 follows and inserting “to the beneficiary or bene-
8 ficiaries to whom the payment would be made if
9 the payment were life insurance under section
10 1967(a) of this title.”.

11 (8) Subsection (h) of such section is amended—

12 (A) in the first sentence, by striking “mem-
13 ber’s separation from the uniformed services”
14 and inserting “termination of the member’s duty
15 status in the uniformed services that established
16 eligibility for Servicemembers’ Group Life Insur-
17 ance”;

18 (B) by striking the second sentence; and

19 (C) by adding at the end the following new
20 sentence: “The termination of coverage under
21 this section is effective in accordance with the
22 preceding sentence, notwithstanding any con-
23 tinuation after the date specified in that sentence
24 of Servicemembers’ Group Life Insurance cov-

1 *erage pursuant to 1968(a) of this title for a pe-*
 2 *riod specified in that section.”.*

3 *(9) Such section is further amended by adding at*
 4 *the end the following new subsection:*

5 *“(j) Regulations under this section shall be prescribed*
 6 *in consultation with the Secretary of Defense.”.*

7 *(b) EFFECTIVE DATE.—Section 1980A of title 38,*
 8 *United States Code, as amended by subsection (a), shall*
 9 *take effect on December 1, 2005, and (except as provided*
 10 *in subsection (d)) shall apply with respect to losses resulting*
 11 *from traumatic injuries incurred on or after that date.*

12 *(c) DEADLINE FOR IMPLEMENTING REGULATIONS.—*
 13 *Regulations to carry out section 1980A of title 38, United*
 14 *States Code, as amended by subsection (a), shall be pre-*
 15 *scribed not later than December 1, 2005.*

16 *(d) APPLICABILITY TO PRIOR QUALIFYING LOSSES IN-*
 17 *CURRED IN OPERATION ENDURING FREEDOM AND OPER-*
 18 *ATION IRAQI FREEDOM.—*

19 *(1) ELIGIBILITY.—A member of the uniformed*
 20 *services who during the period beginning on October*
 21 *7, 2001, and ending at the close of November 30,*
 22 *2005, sustains a traumatic injury resulting in a*
 23 *qualifying loss is eligible for coverage for that loss*
 24 *under section 1980A of title 38, United States Code,*
 25 *as amended by subsection (a), if, as determined by the*

1 *Secretary concerned, that loss was a direct result of*
2 *a traumatic injury incurred in the theater of oper-*
3 *ations for Operation Enduring Freedom or Operation*
4 *Iraqi Freedom.*

5 (2) *CERTIFICATION OF PERSONS ENTITLED TO*
6 *PAYMENT.—The Secretary concerned shall certify to*
7 *the life insurance company issuing the policy of life*
8 *insurance for Servicemembers' Group Life Insurance*
9 *under chapter 19 of title 38, United States Code, the*
10 *name and address of each person who the Secretary*
11 *concerned determines to be entitled by reason of para-*
12 *graph (1) to a payment under section 1980A of title*
13 *38, United States Code, as amended by subsection (a),*
14 *plus such additional information as the Secretary of*
15 *Veterans Affairs may require.*

16 (3) *FUNDING.—At the time a certification is*
17 *made under paragraph (2), the Secretary concerned,*
18 *from funds then available to that Secretary for the*
19 *pay of members of the uniformed services under the*
20 *jurisdiction of that Secretary, shall pay to the Sec-*
21 *retary of Veterans Affairs the amount of funds the*
22 *Secretary of Veterans Affairs determines to be nec-*
23 *essary to pay all costs related to payments to be made*
24 *under that certification. Amounts received by the Sec-*
25 *retary of Veterans Affairs under this paragraph shall*

1 *be deposited to the credit of the revolving fund in the*
 2 *Treasury of the United States established under sec-*
 3 *tion 1969(d) of title 38, United States Code.*

4 (4) *QUALIFYING LOSS.*—*For purposes of this sub-*
 5 *section, the term “qualifying loss” means—*

6 (A) *a loss specified in the second sentence of*
 7 *subsection (b)(1) of section 1980A of title 38,*
 8 *United States Code, as amended by subsection*
 9 *(a); and*

10 (B) *any other loss specified by the Secretary*
 11 *of Veterans Affairs pursuant to the first sentence*
 12 *of that subsection.*

13 (e) *FUNDING FOR FIRST YEAR OF BENEFITS.*—*Upon*
 14 *the date specified in subsection (b), the Secretary concerned*
 15 *shall pay to the Secretary of Veterans Affairs an amount*
 16 *that is equivalent to one-half the amount anticipated to be*
 17 *necessary to pay all costs related to payments to be made*
 18 *under section 1980A of title 38, United States Code, for fis-*
 19 *cal year 2006, effective December 1, 2005. The amount re-*
 20 *ceived by the Secretary of Veterans Affairs under this sub-*
 21 *section shall be deposited to the credit of the revolving fund*
 22 *in the Treasury of the United States established under sec-*
 23 *tion 1969(d) of title 38, United States Code.*

24 (f) *DEFINITIONS.*—*For purposes of this section, the*
 25 *term “Secretary concerned” has the meaning given that*

1 *term in paragraph (25) of section 101 of title 38, United*
 2 *States Code.*

3 (g) *CONFORMING AMENDMENTS.—Section 1032 of*
 4 *Public Law 109–13 (119 Stat. 257) is amended—*

5 (1) *in subsection (a), by striking paragraph (1),*
 6 *including the amendment that would be made by that*
 7 *paragraph effective December 1, 2005; and*

8 (2) *by striking subsections (c) and (d).*

9 **SEC. 402. TECHNICAL AND CLERICAL AMENDMENTS.**

10 *Title 38, United States Code, is amended as follows:*

11 (1) *TYPOGRAPHICAL ERROR.—Section 1117(h)(1)*
 12 *is amended by striking “notwithstanding” and in-*
 13 *serting “notwithstanding”.*

14 (2) *INSERTION OF MISSING WORD.—Section*
 15 *1513(a) is amended by inserting “section” after “pre-*
 16 *scribed by”.*

17 (3) *DELETION OF EXTRA WORDS.—Section*
 18 *3012(a)(1)(C)(ii) is amended by striking “on or”.*

19 (4) *CROSS REFERENCE CORRECTION.—Section*
 20 *3017(b)(1)(D) is amended by striking “3011(c)” and*
 21 *inserting “3011(e)”.*

22 (5) *STYLISTIC AMENDMENTS.—Section 3018A is*
 23 *amended—*

24 (A) *by striking “of this section” in sub-*
 25 *sections (b) and (c);*

1 (B) by striking “of this subsection” in sub-
 2 sections (a)(4), (a)(5), (d)(1) (both places it ap-
 3 pears), and (d)(3); and

4 (C) by striking “of this chapter” in sub-
 5 section (d)(3) and inserting “of this title”.

6 (6) *CROSS REFERENCE CORRECTION.*—Section
 7 3117(b)(1) is amended—

8 (A) by striking “section 8” and inserting
 9 “section 4(b)(1)”; and

10 (B) by striking “633(b)” and inserting
 11 “633(b)(1)”.

12 (7) *INSERTION OF MISSING WORD.*—Section
 13 3511(a)(1) is amended by inserting “sections” after
 14 “under both”.

15 (8) *SUBSECTION HEADINGS.*—

16 (A) Sections 3461, 3462, 3481, 3565, 3680,
 17 and 3690 are each amended by revising each
 18 subsection heading for a subsection therein (ap-
 19 pearing as a centered heading immediately be-
 20 fore the text of the subsection) so that such head-
 21 ing appears immediately after the subsection des-
 22 ignation and is set forth in capitals-and-small-
 23 capitals typeface, followed by a period and a
 24 one-em dash.

1 (B) Section 3461(c) is amended by insert-
 2 ing after the subsection designation the following:
 3 “*DURATION OF ENTITLEMENT.—*”.

4 (C) Section 3462 is amended—

5 (i) in subsection (d), by inserting after
 6 the subsection designation the following:
 7 “*PRISONERS OF WAR.—*”; and

8 (ii) in subsection (e), by inserting after
 9 the subsection designation the following:
 10 “*TERMINATION OF ASSISTANCE.—*”.

11 (9) *CROSS REFERENCE CORRECTION.—*Section
 12 3732(c)(10)(D) is amended by striking “*clause (B) of*
 13 *paragraphs (5), (6), (7), and (8) of this subsection*”
 14 and inserting “*paragraphs (5)(B), (6), (7)(B), and*
 15 *(8)(B)*”.

16 (10) *DATE OF ENACTMENT REFERENCE.—*Sec-
 17 tion 3733(a)(7) is amended by striking “*the date of*
 18 *the enactment of the Veterans’ Benefits Act of 2003*”
 19 and inserting “*December 16, 2003*”.

20 (11) *REPEAL OF OBSOLETE PROVISIONS.—*Sec-
 21 tion 4102A is amended

22 (A) in subsection (c)(7)—

23 (i) by striking “*With respect to pro-*
 24 *gram years beginning during or after fiscal*

year 2004, one percent of” and inserting
 “Of”; and

(ii) by striking “for the program year”
 and inserting “for any program year, one
 percent”; and

(B) in subsection (f)(1), by striking “By not
 later than May 7, 2003, the” and inserting
 “The”.

(12) *REPEAL OF OBSOLETE PROVISIONS.*—Section
 4105(b) is amended—

(A) by striking “shall provide,” and all that
 follows through “Affairs with” and inserting
 “shall, on the 15th day of each month, provide
 the Secretary and the Secretary of Veterans Af-
 fairs with updated information regarding”; and

(B) by striking “and shall” and all that fol-
 lows through “regarding the list”.

(13) *CITATION CORRECTION.*—Section 4110B is
 amended—

(A) by striking “this Act” and inserting
 “the Workforce Investment Act of 1998”; and

(B) by inserting “(29 U.S.C. 2822(b))” be-
 fore the period at the end.

(14) *CROSS-REFERENCE CORRECTION.*—Section
 4331(b)(2)(C) is amended by striking “section

1 *2303(a)(2)(C)(ii)” and inserting “section*
2 *2302(a)(2)(C)(ii)”.*
3 (15) *CAPITALIZATION CORRECTION.—Section*
4 *7253(d)(5) is amended by striking “court” and in-*
5 *serting “Court”.*

Amend the title so as to read: “A bill to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member, to make certain improvements in veterans employment assistance programs, and for other purposes.”.

Union Calendar No. 144

109TH CONGRESS
1ST Session

H. R. 3665

[Report No. 109-263]

A BILL

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes.

NOVEMBER 1, 2005

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed